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Patent

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10/17/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Craig M. Janik

Application No.: 09/945,018

Filed: 09/01/2001

For: AUDIO CONVERTER DEVICE
AND METHOD FOR USING THE
SAME

Examiner: Grier, Laura A.

Art Unit: 2644

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Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed 4/25/2003, Applicant respectfully requests the Examiner to enter the following amendments and consider the following remarks:

In regard to “inherent action/capability/obligations” this term has been removed from claims 28 and 31.

Concerning the phrase “a time long enough,” Applicants have instead utilized “prespecified time.” This term was agreed upon in the interview. This term is supported in the specification, for example at page 6, lines 17 and 18. This term has also been used in place of “sufficient time” in claims 28 and 31. Thus, by using the present system, it is clear that the unique transitory insignia is only valid for prespecified time. This prevents the insignia from being stolen and used repeatedly over time. Instead, by limiting the life of the insignia to a prespecified time, it is not possible for a thief to utilize it indefinitely. The prespecified time can be set by knowing the transmission time for sending the insignia from C to A, the time that is necessary to process and handle the insignia at A, the transmission time to send the insignia from A to B, process the insignia at B, send the insignia from B to C and process the insignia at C. The sum of these times can be set for the prespecified time so that the life of the insignia is as short as possible.

In regard to the term “shortly before said transaction,” Applicants have removed “shortly” in each case.

In regard to the term “substantially immediately,” Applicants have instead inserted the term “upon completion of the transaction.” This phrase is used in regard to the invalidating of the insignia after the transaction. Although this exact phrase language is not seen, the following language is found throughout the specification. On page 2, line 32 the phrase “substantially immediately after the validation” is found. On page 5, line 24, “once a unique insignia has been validated,” and in line 31 “should be as short as possible.” Page 6, line 1, states “immediately thereafter invalidates.” On page 6, lines 5 and 6 “as fast as possible” is stated. Page 7, lines 12, 16 and 27 gives specific times as “less than a second,” “five minutes,” and “between 10 milliseconds and 5 minutes.” Page 13, line 21, states “until the first transaction has taken place.” While the wording in each of these statements is slightly different, they all relate to the invalidation of the transitory insignia after the transaction has been indicated as valid. Applicants submit that the terminology “upon completion of the transaction” is supported by

these various statements. Moreover, if the Examiner finds one of the other statements mentioned in the specification more suitable, Applicants are willing to make such a change.

In view of the above, Applicants submit that the claims overcome the indefiniteness pointed out by the Examiner. Applicants submit that the claims now make it clear that the insignia is valid only for a short time and that it will be invalidated when one transaction is completed. This concept is important to the present invention since it means that the customer receives the insignia only when he is ready to make a purchase and that as soon as the purchase is made, the insignia is invalidated by the bank or credit card company. This means that the insignia is only "alive" for a very short time so that it is difficult to steal and be reused by another person.

Rejection Under 35 U.S.C. § 103

Claims 1-9, 12, 13, 18, 23, 26 and 27 stand rejected under 35 U.S.C. § 103 as being obvious over Rowney et al. (US Patent 5987140) in view of Oishi (US Patent 6298153). Claim 10, 24 and 25 stand rejected under 35 U.S.C. § 103 as being obvious over Rowney et al. and Oishi and further in view of Puhl et al. (US Patent 6223291). Claim 11 stands rejected under 35 U.S.C. § 103 as being obvious over Rowney et al. in view of Oishi and further in view of Aziz (US Patent 6223291). Claim 22 stands rejected under 35 U.S.C. § 103 as being obvious over Rowney et al. and Oishi and further in view of Haber et al. (US Patent 5136646). Claims 14, 20 and 21 stand rejected under 35 U.S.C. § 103 as being obvious over Rowney et al. and Oishi and further in view of Franklin et al. (US Patent 5883810). Claims 15, 17 and 19 stand rejected under 35 U.S.C. § 103 as being obvious over Rowney et al. and Oishi and further in view of Collin (US Patent 6223291). These rejections are respectfully traversed.

Furthermore, Applicants note that the Examiner has not included claims 28-31 in any of these rejections. However, the explanation following the first rejection mentions these claims. Accordingly, it is assumed that the Examiner meant to include claims 28-31 within that first rejection. The present comments are based on this understanding.

Concerning the Rowney et al. reference, Applicants again point out that Rowney et al. does not use a certificate and in fact the object of this invention is to eliminate the use of the

certificate. Further, the approach taken by Rowney et al. does not solve the current problem as does the present invention, which is that a stolen credit card number can be used to make purchases on the internet. However, the present invention overcomes the problem of stolen credit card numbers by only allowing purchases within the life of a unique transitory insignia, which is valid only for a single transaction which is invalidated as soon as a transaction is complete. The unique transitory insignia can contain a virtual credit card number which is valid only for the single transaction and which is invalidated as soon as the transaction is complete or is invalidated after the prespecified time. This makes it impossible to use stolen credit card numbers on the internet.

The insignia is also only valid for a certain specified time. This avoids any problem with a stolen credit card number since it is not possible for a thief to use the number as has been done in the past.

Further, Applicants submit that it would not possible to combine Rowney et al. and Oishi. The Oishi invention is concerned with an anonymous public key certificate. As pointed out above, Rowney et al. does not use a certificate at all but tries to eliminate the use of a certificate. Accordingly, a combination of these two systems does not appear to be possible.

Applicants furthermore wish to point out that the unique transitory insignia is not just any information that can be used to verify the identity of a customer or credit card holder. As pointed out on page 4 of the present specification, the unique transitory insignia serves a purpose of verifying the ability of the customer to pay for the purchase, or fulfill the transaction being conducted. This is different from a verification of the identity of the purchaser.

Applicants submit that the combination of Rowney et al. and Oishi do not show the invention as presently defined by claim 1 and the other independent claims. The other references do not teach the concept of having a prespecified time to complete a transaction, providing the insignia to the customer for a single transaction only which must be used to validate the purchase and then upon the completion of the transaction the insignia is invalidated. This concept is not seen in any of the references. Accordingly, Applicants submit that claims 1, 28, 30 and 31 are not obvious over the combination of references.

Furthermore, Applicants wish to point out that the dependent claims also include a number of specific limitations not seen in the references. For example, claims 3-7, 26 and 27 relate to use of a first and second time stamp. This concept is not seen in any of the references. The procedure involving the time stamp is especially described on pages 6 and 7 of the present specification.

In addition to Rowney et al. and Oishi, the Examiner cited a number of other references that teach concepts taught in the various dependent claims. Applicants submit that none of these references when taken into conjunction with Rowney et al. and Oishi overcome the deficiencies of the two main references as discussed above. Further, Applicants submit that no combination of any of these references teaches the present claimed invention.

Conclusion

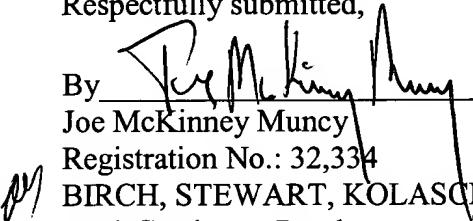
In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse, Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 11, 2006

Respectfully submitted,

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